

A. G. Contract No. KR 89-0982-TRD
ECS File: JPA-89-64
Project: 10-3(307)
TRACS No.: 10 MA 144 H0140 01C
Section: Central Avenue /
Willeta to Culver St.

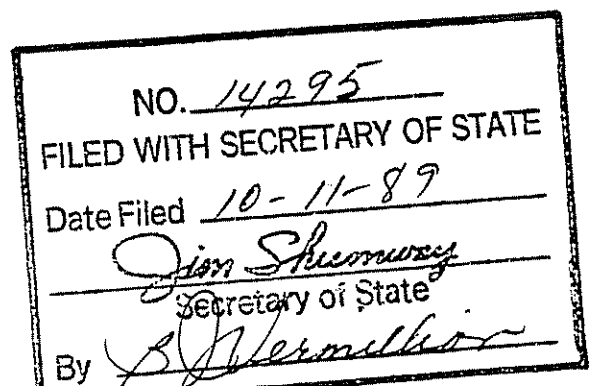
INTERGOVERNMENTAL AGREEMENT
BETWEEN
STATE OF ARIZONA
AND
CITY OF PHOENIX

THIS AGREEMENT is entered into 11 OCTOBER, 1989,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION ("the State") and the
CITY OF PHOENIX, acting by and through its CITY COUNCIL ("the
City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572, and provisions in the City Charter Chapter 2,
Section 2, to enter into this agreement and has by resolution,
a copy of which is attached hereto and made a part hereof,
resolved to enter into this agreement and has authorized the
undersigned to execute this agreement on behalf of the City.



3. In connection with the construction of Interstate Highway 10, the Deck at Central Avenue, the City requests installation of a decorative flush median from approximately Willetta Street to Culver Street on Central Avenue.

4. This agreement shall establish responsibilities relative to funding, construction and maintenance of said decorative median.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

State will:

a. By Force Account work, provide labor, material (except cobblestones) and equipment to construct a decorative median on Central Avenue between Willetta and Culver Streets.

b. Upon completion of work, submit to the City a full accounting of actual costs associated with the decorative median installation. The estimated cost of this work is \$30,000.

City will:

a. Provide design plans and furnish the cobblestone necessary for the decorative median installation.

b. Bear all actual costs associated with the installation of said median, including but not limited to, labor, material, equipment and construction administration.

c. Remit payment in full within thirty (30) days of receipt of the State's billing.

d. Retain maintenance responsibility for the decorative median.

e. Be responsible for any claims filed as a result of the construction due to change orders, delays or claims for extra compensation, if any, made by the contractor related to said installation of a decorative flush median.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. This agreement shall remain in force and effect until completion of said decorative median installation; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of construction, upon thirty (30) days written notice to the other party.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17th Avenue, Room 118E
Phoenix, AZ 85007

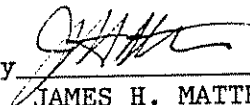
City of Phoenix
City Manager
251 West Washington
Phoenix, AZ 85003

7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

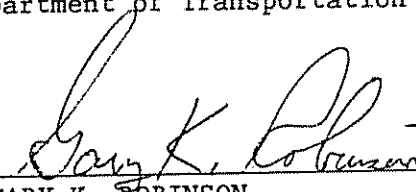
IN WITNESS WHEREOF, the parties have executed this agreement
the day and year first above written.

CITY OF PHOENIX
A Municipal Corporation

STATE OF ARIZONA
Department of Transportation

By 

JAMES H. MATTESON, P. E.
Street Transportation
Director

By 

GARY K. ROBINSON
Chief Deputy State Engineer

ATTEST:

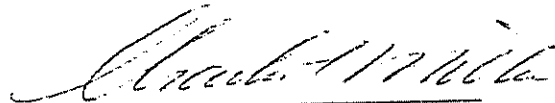
By: _____
City Clerk

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05JUN

RESOLUTION

BE IT RESOLVED on this 28th day of April 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Phoenix for the purpose of installing decorative flush median along Central Avenue, (Phoenix-Casa Grand Highway), from Willeta Street to Culver Street, in conjunction with project ACI-IR-10-3 (307), at the City's expense, utilizing the Force Account Method.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

RESOLUTION NO. 17550

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR A DECORATIVE FLUSH MEDIAN ON THE CENTRAL AVENUE DECK BRIDGE; AND PROVIDING FOR PAYMENT THEREFORE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX
as follows:

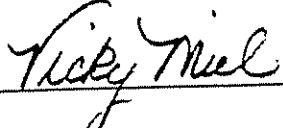
SECTION 1. That the City Manager be and is hereby authorized to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for the purpose of installing a decorative flush median along Central Avenue, from Willetta Street to Culver Street, in conjunction with project ACI-IR-10-3 (307).

SECTION 2. That the City Controller be and is hereby authorized to expend sums as may be necessary not to exceed \$30,000.

PASSED by the Council of the City of Phoenix
this 13 day of September, 1989.


VICE MAYOR

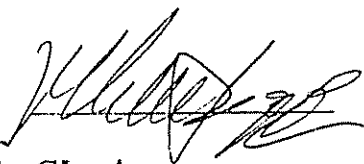
ATTEST:

 City Clerk

APPROVAL OF THE CITY ATTORNEY


I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 9th day of September, 1989.

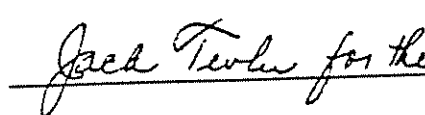

ACTING City Attorney


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APPROVED AS TO FORM:


ACTING
City Attorney

REVIEWED BY:


ASSISTANT
City Manager



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR89-0982-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 5th day of October, 1989.

ROBERT K. CORBIN
Attorney General

A handwritten signature in cursive script, reading "Dana R. Reegan", is written over a horizontal line.

Assistant Attorney General
Transportation Division